

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-24249 - APPLICANT: SUNRISE CHILDREN'S
FOUNDATION - OWNER: JG SAHARA, LLC**

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. There shall be no loitering in front of the premises.
2. There shall be sufficient space provided in the reception area to accommodate clients.
3. Hours of operation shall be limited from 8:00 a.m. to 4:30 p.m., Monday through Friday.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Social Service Provider at 1000 East Sahara Avenue, Suites #101 and #103.

The applicant is a nonprofit organization that receives federal funding to provide free nutritional education and counseling to women and children under the age of five who are living at or below 185 percent of the poverty level. The services are free of charge. The facilities are adequate and located near clients along a major bus route in the city. Staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/05/04	The City Council approved the appeal from the Planning Commission denial of a request for a Special Use Permit (SUP-3973) for an Off-Premise Advertising (Billboard) Sign at 1000 East Sahara Avenue. Staff recommended approval.
05/17/06	The City Council approved an amendment to change the future land use designations of the subject parcel and surrounding parcels within the Las Vegas Downtown Redevelopment Area to C (Commercial) as part of a larger request (GPA-9219). The Planning Commission and staff recommended approval.
07/12/06	The City Council approved the appeal from the Planning Commission denial of a Required Two Year Review (RQR-12020) of an approved Special Use Permit (SUP-3973) which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 1000 East Sahara Avenue. Staff had also recommended denial. The next required review of the use is scheduled for 2009.
10/11/07	The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #53/ss).
<i>Related Building Permits/Business Licenses</i>	
07/22/03	A building permit (#03015513) for a 60-foot gas line was issued for 1000 East Sahara Avenue, Suite #103. A final inspection was completed 07/23/03.
08/15/03	A business license (R09-01215) was issued for a restaurant at 1000 East Sahara Avenue, Suite #103. The license was noted as out of business 12/01/05.
08/15/03	A business license (L09-00202) was issued for a beer/wine/cooler on-sale license at 1000 East Sahara Avenue, Suite #103. The license was noted as out of business 12/01/05. The license was surrendered on 01/19/06, rather than remaining in nonoperational status.

06/22/04	A building permit (#04015856) was issued for an off-premise advertising sign at 1002 East Sahara Avenue. A final inspection was completed 06/23/06.
05/05/05	A business license (Q01-00622) was issued for a real estate brokerage at 1000 East Sahara Avenue, Suite #101. The license was noted as out of business 10/11/06.
03/27/07	A business license (Q01-00771) was issued for a real estate brokerage at 1000 East Sahara Avenue, Suite #101. The license is still active.
03/28/07	A building permit (#07001054) for a tenant improvement for a Certificate of Completion was issued for 1000 East Sahara Avenue, Suite #103. A final inspection was completed 08/21/07.
05/04/07	A building permit (#07001489) for a non-work Certificate of Occupancy was issued for an office at 1000 East Sahara Avenue, Suite #101. A final inspection was completed 06/22/07.
06/28/07	A business license (N31-00161) was issued for nonprofit health services at 1000 East Sahara Avenue, Suite #101. The license is still active.
06/28/07	The applicant filed an application (N31-94223) for nonprofit health services at 1000 East Sahara Avenue, Suite #103. The license was denied 08/08/07 because the use was deemed a Social Service Provider, for which a special use permit is required.
09/14/07	A business license (Q16-00658) was issued for a mortgage broker at 1000 East Sahara Avenue, Suite #101. The license is still active.
<i>Pre-Application Meeting</i>	
07/16/07	The applicant explained that this is a nonprofit organization that offers free nutrition education to women and children below the poverty level. It was explained to staff that this is the same use as is currently in Suite #101; however, the applicant was able to obtain a license as a Psychology Practice in that suite, because it appeared to fit that definition as it related to counseling services, and therefore the applicant did not apply for a Special Use Permit at that time. The applicant was advised to describe all business activities in detail on the justification letter. This is a Project of Regional Significance for which a questionnaire must be filed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
09/10/07	The site is fully developed with a building in good condition. Access is from a side street off Sahara Avenue. A tavern is located within the same building (Suite #105). Trinity High School is located to the west. A bus stop is located east of the property along Sahara. A flag design billboard hangs over the building in the rear next to the building, between two parking spaces. The rear is completely paved and used for parking and trash facilities. Landscaping is located in the front and sides and includes low palm trees next to a tile walkway. There is a portable sign onsite near driveway announcing tenant-only parking.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.80

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office, Tavern, Off-Premise Advertising Sign	C (Commercial)	C-1 (Limited Commercial)
North	Office	C (Commercial)	C-1 (Limited Commercial)
South	Retail/Commercial	CG (Commercial General – Clark County)	C-2 (General Commercial – Clark County)
East	Office	C (Commercial)	C-1 (Limited Commercial)
West	Private School, Secondary	C (Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed Special Use Permit request has been deemed a “Project of Regional Significance,” as it concerns property located within 500 feet of the city boundary with Clark County. A questionnaire describing the impacts of the project to the area was submitted to various regional agencies for review. The following comments were received:

The Flood Control Section of the city of Las Vegas Public Works states that it has no comment and does not require a drainage study for this project.

No other comments were received.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply to the subject site:

Standard (C-1)	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	0.80 acres	N/A
Min. Lot Width	100 feet	230 feet	Y
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	20 feet 10 feet 15 feet 20 feet	10 feet 20 feet 30 feet 100 feet	N Y Y Y
Max. Lot Coverage	50%		Y
Max. Building Height	None	1 story	Y

The building, constructed in 1970, is nonconforming with respect to the front yard setback from Sahara Avenue.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
Social Service Provider	4,500 SF	1 space per 300 SF	15				
Office	2,500 SF	1 space per 300 SF	9				
Tavern	2,000 SF	1 space per 50 SF of seating/ waiting area + 1 space per 200 SF of remain- ing GFA	33				
SubTotal			54	3	52	3	N
TOTAL	9,000 SF		57		55		N
Percent Deviation					4%		

The site is parking impaired, with a nonconforming tavern use in Suite #105 claiming a majority of the parking spaces in the required calculation above. A tavern use has been in this 2,000 square foot suite for many years. The previous tenant of Suite #103 was a restaurant, which was a more intense use than the proposed Social Service Provider. The parking requirement using the current Title 19 ratios is now less than with the previous use in Suite #103; therefore, no additional parking spaces are required as a result of the change of use in Suites #101 and #103.

ANALYSIS

- **Zoning**

The site is zoned C-1 (Limited Commercial) and is in conformance with the existing SC (Service Commercial) General Plan designation on this and surrounding parcels. A Social Service Provider use is permitted in the C-1 District with approval of a special use permit. Approval of this Special Use Permit will establish the use in both Suites #101 and #103.

Office uses are located to the north and east, retail to the south, and a private secondary school to the west.

- **Use**

A Social Service Provider is defined in Title 19.20 as “a facility that provides assistance to persons with limited ability for self-care, but for whom medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning disabilities or physical disabilities, but does not include a rescue mission or homeless shelter, or an adult day care center.”

The use will occupy two adjacent suites totaling 4,500 square feet within an existing multi-tenant building along Sahara Avenue. Suite #101 has been licensed and occupied since 06/28/07. According to the applicant, the service is operated by an organization that provides free nutritional education and counseling to women and children under the age of five who are living at or below 185 percent of the poverty level. This site was chosen for its proximity to clients and the location along an established bus line.

According to the applicant, up to 55 clients may be assisted in a given day. Clients enter the facility through Suite #101. The waiting room accommodates up to 13 clients, while additional private space is available for breastfeeding mothers (labeled “Playroom”) on the submitted floor plan. The rest of the suite is used for administrative purposes. Educational activities are located within Suite #103. There is no internal access between the two tenant spaces.

It is noted that an off-premise advertising sign is located in the rear of the building and hangs over the building in a flag design. It has been on the property since 2004.

- **Conditions**

There are no base conditions for consideration of a special use permit for a Social Service Provider. However, the following data has been supplied that could potentially limit the use:

- Hours of operation are 8:00 a.m. to 4:30 p.m., Monday through Friday.
- The reception area is 220 square feet and the reception desk is located approximately 15 feet from the front door, which faces Sahara Avenue.
- The facility will be staffed by seven employees.
- The nearest bus stop is 0.24 mile east of the proposed location, and serves Routes #109 (Maryland Parkway) and #204 (Sahara).

Conditions have been placed on the use limiting the hours of operation, prohibiting loitering outside the building, and requiring sufficient reception area inside the building to accommodate the anticipated number of daily clients.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Social Service Provider use will be housed in a space large enough to serve the anticipated client base in an approximately 2:1 client-to-staff ratio. It will be located next to stable, low intensity commercially zoned property. Other tenants in the building include a tavern and an office; these should have little to no impact on the proposed use.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is parking impaired, but it is anticipated that most clients will be using the bus system. The use is less intense than the previous tenant, a restaurant with on-site alcohol sales.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

The site is served by a private street taking access from Sahara Avenue. The roadway is 30 feet wide. Entrances are located at the rear of the building. These facilities will be adequate to meet the requirements of the Social Service use.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

Recent improvements in the suite have been approved and inspected. The use will be subject to licensing requirements and will therefore not compromise the public health, welfare or safety.

5. The use meets all of the applicable conditions per Title 19.04.

There are no base conditions for consideration of a special use permit for a Social Service Provider. However, conditions have been placed on the use limiting the hours of operation, prohibiting loitering outside the building, and requiring sufficient reception area inside the building to accommodate the anticipated number of daily clients.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 181 by City Clerk

APPROVALS 0

PROTESTS 1